

BILL NO. 2017-34

ORDINANCE NO. _____

AN ORDINANCE TO AMEND LVMC CHAPTER 6.82 TO AUTHORIZE SMOKE SHOPS TO SELL MARIJUANA PARAPHERNALIA, AND PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Bob Coffin
(by request)

Summary: Amends LVMC Chapter 6.82 to authorize smoke shops to sell marijuana paraphernalia.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS
FOLLOWS:

SECTION 1: Title 6, Chapter 82, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.82.010: As used in this Chapter, the following terms shall have the meanings indicated:

“Concentrated marijuana” means the separated resin, whether crude or purified, obtained from marijuana.

“Designated substance” means salvia divinorum or Salvinorum A, including all parts of the plant botanically classified as salvia divinorum, whether growing or not; any extract thereof; the seeds thereof; and every compound, manufacture, salts derivative, mixture or preparation of the plant or its seeds or extracts.

“Marijuana” means all parts of any plant of the genus Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. The term does not include:

(A) The mature stems of the plant, fiber produced from the stems, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stems (except the resin extracted therefrom), fiber, oil, or cake, the sterilized seed of the plant which is incapable of germination; or

(B) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

1 “Marijuana paraphernalia” means any equipment, products, and materials of any kind which are
2 used, intended for use, or designed to be used for ingesting, inhaling, or otherwise introducing marijuana
3 into the human body.

4 “Marijuana products” means products comprised of marijuana or concentrated marijuana and other
5 ingredients that are intended for use or consumption, such as, but not limited to, edible products, ointments,
6 and tinctures.

7 “Sell” (and related forms of the word) refer to the sale, offer to sell, exchange or offer to exchange
8 for any form of consideration.

9 “Smoke shop” means a business which has, as its principal activity or a primary activity, the sale of
10 tobacco paraphernalia, marijuana paraphernalia or designated substances, or a business that holds itself out
11 to the public as a business engaging in that activity.

12 “Smoking lounge” means a business which offers, as its principal activity or a primary activity, a
13 location and equipment for the consumption of tobacco products.

14 “Tobacco paraphernalia” means cigarette papers or wrappers, pipes, holders of smoking materials
15 of all types, cigarette rolling machines, and any other item designed for use in the smoking, preparation or
16 consumption of tobacco products. The term does not include tobacco products.

17 “Tobacco product” means any substance containing tobacco leaf, including but not limited to
18 cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any
19 other preparation of tobacco. The term does not include any cessation product specifically approved by the
20 United States Food and Drug Administration for use in treating nicotine or tobacco dependence, or any
21 electronic device that enables the introduction of nicotine into the human body but without the presence of
22 tobacco.

23 SECTION 2: Title 6, Chapter 82, Section 20, of the Municipal Code of the City of Las
24 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **6.82.020:** (A) No person shall engage in business as a smoke shop within the City without first
26 obtaining a business license pursuant to this Chapter. The license required by this Chapter shall be a

1 privileged license subject to the provisions of LVMC Chapter 6.06.

2 (B) Each employee of a smoke shop who sells or handles tobacco paraphernalia,
3 marijuana paraphernalia or designated substances, or has daily control of the operations of the smoke shop
4 shall obtain a work card pursuant to LVMC Chapter 6.86, unless that person has been approved for
5 suitability as a principal.

6 SECTION 3: Title 6, Chapter 82, Section 30, of the Municipal Code of the City of Las
7 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 **6.82.030:** It is unlawful for any business subject to licensing as a smoke shop to:

9 (A) Employ a person under the age of eighteen [years] (or allow such an employee) to
10 sell or handle tobacco paraphernalia or designated substances.

11 (B) Sell tobacco paraphernalia or any designated substance to a person under the age
12 of eighteen.

13 (C) Employ a person under the age of twenty-one (or allow such an employee) to sell
14 or handle marijuana paraphernalia.

15 (D) Sell marijuana paraphernalia to a person under the age of twenty-one.

16 SECTION 4: Title 6, Chapter 82, Section 40, of the Municipal Code of the City of Las
17 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **6.82.040:** (A) In any smoke shop, tobacco paraphernalia must be stored or displayed in a
19 designated area within the business premises that is not open to view by persons under the age of eighteen
20 and to which such persons do not have access. Except in an establishment that does not permit entry to
21 persons under the age of eighteen, each entrance to the designated area shall have a sign clearly posted in
22 letters not less than three inches tall indicating that persons under the age of eighteen are not permitted
23 within that area unless accompanied by a parent or legal guardian. Any such designated area and signage
24 are subject to prior approval by the Director as part of the license approval process. [(B)] No principal or
25 employee of a smoke shop described in this Subsection (A) shall permit a person under the age of eighteen
26 years to enter or remain within the designated area described in this Subsection (A) unless that person is

1 accompanied by his or her parent or legal guardian.

2 (B) In any smoke shop that sells marijuana paraphernalia, such paraphernalia must be
3 stored or displayed in an area within the business premises that is not open to view by persons under the
4 age of twenty-one. Any such smoke shop shall have a sign clearly posted at each entrance, in letters not
5 less than three inches tall, indicating that persons under the age of twenty-one are not permitted entry.
6 Such signage is subject to prior approval by the Director as part of the license approval process. No
7 principal or employee of a smoke shop described in this Subsection (B) shall permit a person under the age
8 of twenty-one years to enter or remain within the smoke shop.

9 SECTION 5: Title 6, Chapter 82, Section 60, of the Municipal Code of the City of Las
10 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **6.82.060:** It is unlawful for any business subject to licensing as a smoking lounge to:

12 (A) Employ a person under the age of eighteen years (or allow such an employee) to
13 sell or handle tobacco products or tobacco paraphernalia; [or]

14 (B) Allow a person under the age of eighteen years to consume tobacco products[.]; or

15 (C) Allow patron consumption of marijuana, concentrated marijuana or marijuana
16 products.

17 SECTION 6: Title 6, Chapter 82, Section 80, of the Municipal Code of the City of Las
18 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **6.82.080:** Except as otherwise provided in this Section, [A] a business that desires to operate both as
20 a smoke shop and a smoking lounge may apply for and obtain a license for each operation under this
21 Chapter, or the Department may at its option issue a combined license to authorize both types of activity.
22 Under a combination license, the licensee must comply with the provisions of this Chapter that apply to
23 both types of operations. A smoke shop that sells marijuana paraphernalia is not eligible for a smoking
24 lounge or a combined license.

25 SECTION 7: Title 6, Chapter 82, Section 90, of the Municipal Code of the City of Las
26 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **6.82.090:** [Businesses that are existing on the effective date of the Ordinance codified in this Chapter
2 shall have six months from that date to come into compliance with this Chapter.] Nothing in this Chapter
3 shall be deemed to diminish the applicability of any other provision of this Code pertaining to the sale or
4 use of marijuana, concentrated marijuana or marijuana products.

5 SECTION 8: Title 6, Chapter 82, Section 100, of the Municipal Code of the City of Las
6 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **6.82.100:** Nothing in this Chapter is intended to limit the application of State law and regulations
8 governing tobacco products, drug paraphernalia, marijuana paraphernalia or substances that are classified
9 or to be classified as controlled substances under State law and regulations, including without limitation
10 NRS Chapters 453, [and] 453A and 453D, and regulations adopted thereunder. Businesses subject to this
11 Chapter are subject to compliance with State law and regulations in accordance with the terms thereof,
12 notwithstanding any provisions of this Chapter that pertain specifically to and are an exercise of the City's
13 licensing and regulatory powers and jurisdiction.

14 SECTION 9: Title 10, Chapter 92, Section 10, of the Municipal Code of the City of Las
15 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **10.92.010:** (A) Except as otherwise provided in this Section, [Any] any person who delivers or
17 sells, possesses with the intent to deliver or sell, or manufactures with the intent to deliver or sell any drug
18 paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to
19 plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, prepare, test, analyze,
20 pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a
21 controlled substance in violation of NRS [Chapter 453] Chapters 453, 453A and 453D is guilty of a
22 misdemeanor.

23 (B) Nothing in Subsection (A) shall be deemed to prohibit the sale or use of
24 paraphernalia that is in accordance with NRS Chapters 453A and 453D and other provisions of this Code.

25 SECTION 10: If any section, subsection, subdivision, paragraph, sentence, clause or
26 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or

1 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
2 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City
3 of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph,
4 sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,
5 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

6 SECTION 11: Whenever in this ordinance any act is prohibited or is made or declared to
7 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
8 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
9 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
10 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
11 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
12 of this ordinance shall constitute a separate offense.

13 SECTION 12: All ordinances or parts of ordinances or sections, subsections, phrases,
14 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
15 Edition, in conflict herewith are hereby repealed.

16 PASSED, ADOPTED and APPROVED this ____ day of _____, 2017.

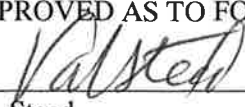
17 APPROVED:

18
19 By _____
CAROLYN G. GOODMAN, Mayor

20 ATTEST:

21 _____
22 LUANN D. HOLMES, MMC
City Clerk

23 APPROVED AS TO FORM:

24 
25 Val Steed,
Deputy City Attorney

24 9-19-17
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the ____
2 day of _____, 2017, and referred to a committee for recommendation, the committee
3 being composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2017, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as first
7 introduced and adopted by the following vote:

8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:
15 _____
16 LUANN D. HOLMES, MMC
City Clerk